

1895-074 Chancery Causes, Mary R. Smith vs. David R. Smith  
Lee Co.

Richmond, Orr, Cook

CA-Divorce  
T-Dices  
Migration

Virginia: In the circuit court of Lee county.

To the Hon. W. J. Miller, Judge of said court:

Humbly complaining, sheweth unto the court, your oratrix, Mary R. Smith, wife of David R. Smith, that she is now twenty five years old; that at the age of 17 years she married the said David R. Smith, and since that time has been to him a constant, faithful and dutiful wife, and has borne him two children, to wit: Harry, now about 7 years old, and Marion, now about three years old. Her husband on the other hand, has been negligent, excessively intemperate in drinking ardent spirits, grossly immoral, and is now a fugitive from justice, and has been scouting, gambling, swindling and forging for more than two years, as she has been recently advised; that she has also been recently advised, to her great mortification, that her said husband has been guilty of frequent acts of adultery, often gambling and traveling with sporting women; that she has not cohabited with him since, and that his gross acts of immorality and constant failure to provide for her and her children amount to such acts of cruelty upon his part as to render it unsafe for your oratrix to live with him again.



Your oratory charges that she has been a resident of the County of Lee, State of Va. for a period longer than two years; that it is true that her peckless husband has drug her out of the State within that period, but that she has not within a much longer period had any Bona fide residence, and that he is now in some foreign State or Country.

In tender consideration whereof, &c, To the end therefore and &c, your oratory prays that the said David R. Smith may be made a party defendant to this bill, and that he be required to answer the same upon his corporal oath; that your oratory be decreed the Custody of her Children; that she be entirely divorced from him, and the Marriage be dissolved; that such other relief be granted as her case requires. May the Commonwealth's writ of Habeas Corpus issue &c, directed &c, and as in duty bound your oratory will ever pray.

Wm A. Orr, Atty  
for Plaintiff.



Mary R. Smith  
vs } Bill in Chy

David R. Smith

1895- 3rd day of Sept bill  
filed & Decree dispensing  
with order of Pub-  
" 15th Oct rules & pa not  
executed & Cause set for hearing

1895: Sept the 3rd bill filed  
& Decree dispensing of  
Order of Publication.  
" 15th Oct rules & pa not  
executed & Cause set  
for hearing

Wm. A. Orr, Atty.



Mary R. Smith

vs

Jus Chancery

David R. Smith

This cause, in which the plaintiff appears to have proceeded against the defendant, who is out of the Commonwealth, in the mode prescribed by law, against absent defendants, and he still failing to appear, and answer, came on this day, to be heard on the bill, and the depositions of witnesses, and was argued by counsel for the plaintiff; on consideration whereof, the court being of the opinion that the charge of adultery against the defendant, is ~~fully~~ proved, doth adjudge, order and decree, that the marriage heretofore solemnized between Mary R. Smith ~~and~~ Mary R. Richmond and David R. Smith, he, and the same is hereby dissolved, <sup>and</sup> the said Mary R. Smith forever divorced from her <sup>said</sup> husband; and that the plaintiff have the custody of the children of said marriage; and that the plaintiff recover from the defendant her costs, by her expended in the prosecution of this suit. Nothing further remaining to be done the cause is stricken from the docket.



C 5.18  
atty 15.00  
Co 20.40

Mary R. Smith

v J. Deere

David R. Smith

Q. B. Page 257

Entire

M. J. M.

Nov

1895



Virginia: In the Circuit Court  
of Lee County and in  
vacation at Gladwell, Va.

Mary R. Smyth & Sept 3<sup>rd</sup> 1895  
vs In Chancery.  
B. R. Smyth

On Motion of the  
plaintiff by her Counsel, Wm. A. Orr,  
the Court orders and decrees that  
an order of Publication is ~~not~~  
necessary in this case; and  
that the same be proceeded with  
as though an Order of  
Publication had been regularly  
made and completed.

W. I. Miller  
Judge Circuit Court Lee Co Va



Mary R Smith  
vs } Deere  
D R Smith

6-  
Entered in Chcy  
Order Book 5-  
Page 248.



The depositions of Wm Richmond (col) and  
taken before me, D.C. Smell,  
a Notary Public in and for Lee County, State  
of Virginia, pursuant to an order of the  
Circuit Court of said County and State, the  
same having the effect of an order of  
Publication, at the said Office of Wm A. Orr,  
in Jonesville, Va, between the hours of  
8 A.M. and 4 P.M. on the 10th day of  
September, 1895, to be read as evidence on  
behalf of the said Mary R. Smith in a  
Certain suit in Chancery, depending  
in the Circuit Court of Lee County, Va,  
wherein Mary R. Smith is plaintiff  
and David R. Smith is defendant.  
Present: Wm A. Orr, Atty for Plaintiff.

Wm Richmond (col) a witness of  
lawful age being first duly sworn  
deposes and says:

I am about 31 years old. I  
reside near Jonesville Lee County Va.

I have been acquainted with  
David R. Smith about 15 years.

I have been a porter at Brown's  
Hotel Rogersville Tenn & have  
been a waiter at Cook's Hotel  
& also at Brown's Hotel ~~here~~  
here in Jonesville Va. While  
around these hotels he asked me  
on more than one occasion if



I could ~~take him~~ find a girl for him. He insisted & said if I could get him a girl he would pay me for it. He wanted a girl to have carnal intercourse with. I can't state the time exactly when this was, but know it was after said Smith marriage, for I was ~~at~~ the church when he was married.

He had similar talk to me at his store house here in Jarricks while he was selling clothing.

He drank a great deal & was drinking some of the times while talking to me as above stated.

And further, this deponent saith not.

Wm. Richmond.

Virginia Lee County, Va.

I D. C. Sewell, a notary Public for the County of aforesaid in the State of Virginia, do certify that the foregoing deposition of Wm. Richmond (col),

Wm. Clainey  
15-50



now duly taken, subscribed  
sworn to before me at the place  
time & for the purpose in  
the Caption mentioned. Given  
under my hand this 10<sup>th</sup> day of  
Sept. 1895.

D. P. Sewell  
N. P.



Mary R. Smith

vs { Depos -

David A. Smith

Rec'd from Notary  
before whom taken  
and filed this 10<sup>th</sup> day  
of Sept 1895

A. B. Munsey Clk



1894

BY WHOM DRAWN.

Date ~~on whom drawn~~

AMOUNT.

D. R. Smith	aug 14/94	Green Keuffner & Co	22
"	" 23/94	Mrs D. R. Smith	40
"	" 29/94	O. S. Myers	10
"	" 29/94	McFarland Muzzey & Co	25
"	" 30	" J. E. Lutz & Co	25
"	Sept 4	" Bell Barker & Jennings	25
"	" 10	" Grosvenor Burgess & Co	25
"	Oct 9	" <del>D. R. Smith</del>	50
"	" 19	" +	25
"	" 30	" +	15
"	Dec 10	" +	10 10

Recd unpaid not protested

aug 14 11 25

Sept 25 100 -

Oct 31 25 -

136 25

272 15

136 25

108 10



*"Cashier"*

Poor Quality Original. Best Possible Capture



The depositions of Mary R. Smith, Wm. A. Orr  
E. E. Cook

and others taken before me, D. C. Sewell,  
a Notary Public in and for Lee County, State  
of Virginia, pursuant to an order of the circuit  
Court of said County and State, the same  
having the effect of an Order of Publication,  
at the dwelling house of S. V. F. Richmond in  
Fournville, Va, between the hours of 8 A.M. and  
7 P.M., on the 5<sup>th</sup> day of September, 1895;  
to be read as evidence on behalf of the said  
Mary R. Smith in a certain suit in  
Chancery, depending in the Circuit Court  
of Lee County, Va, wherein Mary R. Smith  
is plaintiff and David R. Smith is  
defendant.

Present: Wm. A. Orr, Atty for Plaintiff.

Mary R. Smith a witness of lawful  
age being duly sworn deposes and says:

I am 26 yrs old and my residence  
is in Lee County, Virginia, where I  
have resided since last August  
one year ago. I came to Lee  
County from Lagwell County Va  
where I had been stopping for  
about 6 weeks.

I married David R. Smith  
in Lee County Va on 9<sup>th</sup> Sept 1886.



After our <sup>marriage</sup> we went to Rogersville  
Tenn for a short time & then  
returned to Jonesville Va and  
lived there for three or four  
years, from about 1888 till 1891,  
since which time my husband,  
D. R. Smith, has had no permanent  
place of residence. He has taken  
me to different places since, leaving  
me for weeks at a time, without  
support, that I knew nothing of  
his whereabouts. In fact he has  
not supported me nor my children  
~~within~~ for about two & half yrs  
before our separation. On one  
occasion for several days, I  
lived only on potatoes, he having  
left me without any means of  
support & I refusing to ask  
for credit. On one occasion  
all my silver ware & furniture &  
Bridal presents, all of my own  
separate property, given to me  
by my father & friends, were levied  
on & sold for some of his  
gambling & debt as I was informed.  
David R. Smith left me at



Lezwell V<sup>a</sup> a little over a year ago, saying he would join me at Jonesville, where he said he was going into business in Sept. Since that time (Sept) I have had only one letter from him, which bears date July 28<sup>th</sup> 1895 & is here filed marked "one". Letters received by me here from his friends & friends which show to some extent his conduct & whereabouts are herewith filed as a part of my deposition marked exhibits from 2 to 15 inclusive.

His abandonment of my self & children was not by my consent, nor has his illegal & immoral conduct been by my consent or connivance. In fact I had no knowledge of his <sup>dishonesty</sup> illegal & grossly immoral conduct until after his abandonment of me.

Having knowledge now of his dishonesty & immoral conduct I do not think it safe for me to <sup>undertake</sup> ~~undertake~~ to live with him again, in fact my sensibilities are all shocked at the very idea of such a thing. I shall ~~never do so again~~.



and further this witness saith  
noh.

Mary R. Smith.

W. A. Our another witness of lawful  
age being duly sworn deposes & says:

Since the marriage of D. R.  
Smith to Mary R. Smith nee Richmond  
I met <sup>said</sup> D. R. Smith in Knoxville  
Tenn, where I had gone to hunt  
one Tennessee Thompson, who I  
wanted to use as a witness in  
the Chancery cause of myself against  
E. M. Pennington advers et al. then  
pending in the circuit court of  
Lee C. v. a. At which place, Knox-  
ville, I was short of money & asked  
D. R. Smith to loan me \$1<sup>20</sup> the  
railroad fare between Knoxville  
& Morris town. He said he would  
do so if he had enough, that he  
wanted to go on Water Street  
that night. On counting his money  
he found that he could let me have  
one dollar & did so. I understood  
Mr. Smith to mean that he was  
going on Water Street for the fare.



pose of associating with women of  
bad character. The reputation of  
said Water Street is where lewd  
women abound & occupy.

And further this witness saith  
not.

Wm A. Orr

The further taking of these depositions  
is ~~adjoined~~ adjourned from the  
residence of S. V. & Richmond, the place  
mentioned in the caption, to Powell's  
Valley Bank in the town of Jonesville  
Lee County Va till Sept. 6<sup>th</sup> 1895  
& between the hours of 8 A.M. & 4 o'clock  
P. M.

D. C. Sewell N.P.

Powell's Valley Bank, Jonesville  
Lee Co, Va. met pursuant to  
adjournment, This Sept. 6<sup>th</sup> 1895

D. C. Sewell N.P.

Present Wm A Orr Atty for Plff.

C. E. Cook a witness of lawful  
age being duly sworn deposes & says:

I am Cashier of the Powell's  
Valley Bank of Jonesville Va, & have  
been so for about 3 1/2 years.

I am acquainted with David R. Smith  
since I have been Cashier of said  
Bank he has drawn checks or drafts



on said Powell Valley Bank, which have not been paid, the said Smith having had no funds in said Bank, to the amount of \$408<sup>40</sup>, two hundred & seventy two & fifteen Cents of which went to protest & \$36<sup>25</sup> was returned unpaid protest having been waived.

The first check or draft was presented & protested Aug. 14<sup>th</sup> 1894 & the last one on Dec. 10<sup>th</sup> 1894. I file herewith a statement, marked "Cashier", showing the list of said checks, dates of protest &c as a part of my deposition.

I have known David R. Smith drinking & being intoxicated. Was I ever with D. R. Smith in Louisville, Ky. and if so when?

I was in Louisville, Ky. with D. R. Smith in Decr. 1891, I think.

Have you any reason for suspecting that D. R. Smith was not of chaste Character while in Louisville, Ky, at said time, and if so state the facts upon which you base your opinion?

I visited a house of ill fame with said Smith while in Louisville,



Did you visit more than one house  
of ill-fame on said trip and stay  
in Louisville, Ky?

I did visit with said Smith two  
houses of ill-fame, but in one we only  
went in & right out, in the other we  
stayed perhaps half an hour, we also visited  
two variety theatres, that were not altogether  
decent.

And further this deponent says not.

C. E. Cook

Virginia Lee County, to wit:

I, D. P. Sewell, a Notary Public for  
the County aforesaid in the state of  
Virginia, do certify that the foregoing  
depositions of Mary R. Smith, Wm  
A. Orr & C. E. Cook were duly  
taken, ~~and~~ subscribed & sworn  
to before me at the times & places  
mentioned in the caption & adjournment  
for the purpose in the caption men-  
tioned. Given under my hand this  
Sept. 6<sup>th</sup> / 1895.

D. P. Sewell  
N. P.



Mary R. Smith

vs 3 sepos

David R. Smith.

~~Filed September 6th~~

~~1895~~

Received from D C Sewell  
the Notary before whom  
taken and filed Sept  
the 6th 1895

AB Munro



In the Clerk's Office of the Circuit Court of the County of  
See

against Mary R Smith Plaintiff

In Chancery

D R Smith Defendant

This day M. A Orr personally appeared  
before me A B Munsey Clerk of the said Court,  
and being duly sworn, made oath that David R Smith

defendant in the said suit is not a resident of the State of Virginia,

Given under my hand has Clerk of the said Court, this 6th day of September

1895

A B Munsey Clerk



Mary R. Smith

vs.

AFFIDAVIT FOR ORDER  
OF  
PUBLICATION.

D. R. Smith

Ma Orr p. q.



Virginia: Lee County to-wit.

I, D. C. Sewell a notary Public in  
and for the County of Lee State of Virginia,  
do Certify that Wm A. Orr appeared before  
me in my County and made oath that  
he believes the allegations of the Com-  
plainants' bill are true. Given  
under my hand this the 30th day  
of August, 1895.

D. C. Sewell



CLERK'S RECEIPT.

No. 1

SUITS.

Plaintiff *Mary R. Smith*

Defendant *D. R. Smith*

Date *September 3rd 1895*

Amount of tax, - - - - \$ *1.50*

~~Common law~~

Chancery

Received (date) *September 3rd 1895*

*A. B. Munsey* Clerk.



The Commonwealth of Virginia,

To the Sheriff of the County of Lee--Greeting:

WE COMMAND YOU, That you summon

*D R Smith*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held  
for the said Court on the *15th* Monday in *October*, 189*5*, to answer a  
bill in Chancery, exhibited against *him* in our said court by

*Mary R Smith*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-  
house, the *3rd* day of *September*, 189*5*, and in the  
*120th* year of the Commonwealth.

*A B Munsey* Clerk.

*A Copy Teste*

*A B Munsey Clerk*



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vs.      { SUPŒENA  
             { IN CHANCERY.

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.....*p. q.*.....

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*To..... Rules,*  
*Circuit Court.*

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**The Commonwealth of Virginia,**

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

*D. R. Smith*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held  
for the said Court on the *15<sup>th</sup>* Monday in *October*, 189*8*, to answer a  
bill in Chancery, exhibited against *him* in our said court by

*Mary R. Smith*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-  
house, the *3<sup>rd</sup>* day of *September*, 189*8*, and in the  
*180* year of the Commonwealth.

*A. B. Munsey* Clerk.



Mary R. Smith  
vs. } SUPCENA  
David R. Smith } IN CHANCERY.

Wm A Orr p. q.

To 1st Oct. Rules,  
Circuit Court.

Not Executed the  
defendant being  
a non resident of  
the State of Virginia  
this Sept 3-1895.

J. M. Weston Deputy  
for Wm P. Weston S. C. C.